

Exhibit 2

Teixeira v. Mozilla Corporation, et al.

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

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STEVE TEIXEIRA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:24-cv-01032
	)	
MOZILLA CORPORATION a.k.a. M.F.	)	
Technologies, a California	)	
corporation; MOZILLA FOUNDATION, a	)	
California public benefit	)	
corporation; LAURA CHAMBERS and	)	
her marital community; WINIFRED	)	
MITCHELL BAKER and her marital	)	
community; and DANI CHEHAK and her	)	
marital community,	)	
	)	
Defendants.	)	

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VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION  
OF MOZILLA FOUNDATION UPON ORAL EXAMINATION OF  
MARK SURMAN

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Witness located in Toronto, Ontario

Taken Remotely via Zoom

DATE TAKEN: MAY 13, 2025

REPORTED BY: BARBARA CASTROW, RMR, CRR, CCR

WA CCR #2395 | OR CSR #22-0010

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1 threat of litigation.

2 Q. When did she tell you that?

3 A. I don't recall specifically. I think in May,  
4 maybe early June. I'm not sure. Well, it would have  
5 been before that text message, so it would have been in  
6 May.

7 Q. Were you aware that Steve had concerns about  
8 how he had been treated by Mozilla Corporation?

9 A. Not specifically beyond that text message.

10 Q. Do you know if anyone at Mozilla Corporation  
11 ever investigated Steve's concerns?

12 A. I don't.

13 Q. Are you aware of any deficiencies that have  
14 been identified with Mozilla Corporation's practices and  
15 culture with respect to diversity and inclusion  
16 initiatives?

17 MR. FEIDER: Object on form; foundation, and  
18 that there's pending motion practice on these topics.

19 MR. TODARO: And object to the extent that  
20 this calls for any attorney-client communications.

21 Q. (By Ms. Perez-Vargas) Would you like me to  
22 repeat the question?

23 A. Yeah. So I think, as Darren indicated, if we  
24 had received -- I think we did at one point receive an  
25 external report. One of our board members had requested

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1 an external report on diversity, equity, inclusion, and  
2 it was provided under privilege.

3 Q. Which board member requested the report?

4 A. I can't recall. I just recall it coming as a  
5 matter of a request.

6 Q. Do you remember when the report was provided?

7 A. I don't.

8 Q. Was the request about business practices with  
9 relation to diversity and inclusion?

10 A. I don't recall the specific request. I just  
11 remember receiving the report.

12 Q. Did the report contain legal advice?

13 A. I don't think so.

14 Q. So what did it say?

15 MR. TODARO: Objection. The company has  
16 asserted a privilege on this. It was an attorney-led  
17 report. I appreciate the question in which he says that  
18 he doesn't necessarily interpret it as containing legal  
19 advice. But you know that it's our position that it  
20 does, and that it's the subject of motion practice at  
21 the moment.

22 So I think it's improper to even try and ask  
23 that at this point.

24 MS. PEREZ-VARGAS: Are you instructing the  
25 witness not to answer this question?

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1 MR. TODARO: I don't have control over the  
2 witness, Maricarmen. You know that. I am making --

3 MS. PEREZ-VARGAS: I'm sorry. I can't see  
4 who is talking. Is it Anthony?

5 MR. TODARO: Apologies. Apologies.

6 I don't have control over this witness, but  
7 this is an issue that exists between the MoCo and  
8 Plaintiff and is being -- is before the court right now.

9 MS. PEREZ-VARGAS: The witness just  
10 testified that he does not believe the report contained  
11 legal advice.

12 Q. (By Ms. Perez-Vargas) So I'm going to ask you  
13 again, Mr. Surman, what was in the report?

14 MR. TODARO: So, Maricarmen, just so we're  
15 clear, I just want to be clear on this, you know that  
16 the company has asserted a privilege. You know that  
17 it's before the court right now. So if you persist in  
18 this, my position is you do so at your own jeopardy.

19 I'd suggest you hold it until we get a ruling.  
20 But I've said what I can say.

21 MS. PEREZ-VARGAS: I understand. Sorry.  
22 This is still Anthony talking?

23 MR. TODARO: It is.

24 MS. PEREZ-VARGAS: So, Anthony, are you  
25 trying to instruct the witness not to answer this

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1 question?

2 MR. TODARO: I am informing the witness of  
3 what you already know, which is that we have made the --  
4 we regard the report as privileged. It is currently  
5 pending before the court, that determination.

6 I don't believe it's proper of you and in good  
7 faith to ask that of this witness, given that. But I  
8 don't have control over the witness. So there you go.

9 MR. FEIDER: I'm instructing -- to be clear  
10 for the record, I'm instructing the witness not to  
11 respond to this question.

12 MS. PEREZ-VARGAS: Okay. Sorry. That was  
13 Darren?

14 MR. FEIDER: Sorry. That was Darren,  
15 Maricarmen. Sorry.

16 MS. PEREZ-VARGAS: Sorry. I just can't see  
17 who is talking. I don't mean to be difficult about  
18 this.

19 Okay. So I understand, Darren, that you are  
20 instructing the witness not to answer this question  
21 despite the witness having said that the report did not  
22 contain any legal advice.

23 I'm going to reserve the right to recall this  
24 witness and question him as to this topic, depending on  
25 the ruling we receive from the court.

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Barbara K. Castrow, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of Mark Surman, having been duly sworn, on May 13, 2025, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of May, 2025.

  
Barbara K. Castrow, CCR, RMR, CRR  
Certified Court Reporter #2395



My certification expires:

November 24, 2025